

REMARKS

Summary of the Response

Claims 1-4 are pending with claims 1, 2 and 4 being in independent form. Reconsideration of the rejected claims and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Summary of the Official Action

In the instant Office Action, the Examiner rejected claim 2 as being directed to non-statutory subject matter. Claims 1-4 were also rejected over the art of record. By the present response and remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Traversal of Rejection Under 35 U.S.C. § 101

Applicant traverses the rejection of claim 2 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

The Examiner asserted that claim 2 merely recites functional descriptive data or a computer program. Applicant respectfully disagrees. Claim 2 recites, among other things, a means for selecting a source cell range which is described in the specification as

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utilizing, by way of non-limiting example, a pointing device 105 that can copy/paste and cut/paste the data or information in the cells. Claim 2 also recites a means for storing in a working buffer which necessarily requires structure features which create or provide for the memory. Finally, the claim preamble specifically recites a system for processing which necessarily requires sufficient structure or platform which allows the spreadsheet program to run. Thus, contrary to the Examiner's assertions, claim 2 is not merely limited to software, but necessarily recites one or more features in order to both support the spreadsheet program and allow it to be used in the manner claimed.

Applicant reminds the Examiner of the guidelines provide by MPEP 2106 which state:

The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.

Applicant submits that the specification and claims clearly demonstrate that Applicant's invention accomplishes a practical application, is useful, and that it clearly produces a useful, concrete and tangible result. For example, the invention recited in

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claim 2 specifically provides for a novel and non-obvious way to copy/paste or cut/paste data in source cells to destination cells in a manner which, though somewhat similar to the way disclosed in US Patent 5,416,895, is not taught by the applied art of record. The Examiner has not demonstrated otherwise.

Traversal of Rejection Under 35 U.S.C. § 103(a)

Applicant traverses the rejection of claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over EP 0 569 133 to ANDERSON et al., alone.

The Examiner asserted that ANDERSON teaches or substantially teaches all the features recited in these claims except for, among other things, the working buffer. However, the Examiner asserted that it would have been obvious to modify ANDERSON to include a working buffer. Applicant respectfully traverses the Examiner's assertions and the basis of this rejection.

Notwithstanding the Office Action assertions as to what ANDERSON discloses or suggests, Applicant submits that no proper reading or modification of ANDERSON discloses or suggests, for example, storing in a working buffer the content of each cell that belongs to said source cell range and/or clearing the content of each cell that belongs to said source cell range (claim 1). Applicant also submits that no proper reading or modification of ANDERSON discloses or suggests, for example, a means for storing in a working buffer the content of each cell that belongs to said source cell range and/or a

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means for clearing the content of each cell that belongs to said source cell range to cut (claim 2). Finally, Applicant submits that no proper reading or modification of ANDERSON discloses or suggests, for example, performing a test, while parsing, if any absolute reference is found within the content of the memory working buffer in combination and/or if any absolute reference is found, then performing a test on the absolute reference found to determine if the absolute reference points to a cell which is part of a cell range which has been cut or copied to the memory clipboard and if yes, updating the content of the memory working buffer to change the absolute reference identified so that it points within a pasted range to a cell whose relative position within the pasted range matches the relative position of the original absolute reference within the source cell range (claim 4).

In addition to the arguments already presented in the Rule 1.111 Amendment filed on November 9, 2004 (which are herein expressly incorporated by reference), Applicant emphasizes that, with regard to “model copy method”, ANDERSON specifically discloses the following (see col. 19, lines 11-24 of US 5,416,895 of which the EP document claims priority):

Referring now to FIG. 9C, a model copy method 940 of the present invention is illustrated. In step 941, a block is defined or selected (e.g., dragging a selection). In step 942, model copy is enabled or disabled (as desired); alternatively, model copy may be enabled by default. In step 943 if model copy has been enabled, then in step 945 absolute address references are copied as if they were relative address references, as

previously described (with reference to FIGS. 4H-J). However, the address labels will remain absolute, so that they will be treated as absolute for future copying operations. Otherwise (no at step 943), absolute addresses are treated conventionally (i.e., referencing absolute addresses) in step 944. As shown in step 946, relative addresses are not affected, i.e., they continue to be treated relatively. In step 947, the copy operation is performed, employing the addresses as just determined, after which the method concludes.

It is apparent from this disclosure that while ANDERSON teaches that absolute address references can be copied as if they were relative address references, there is no disclosure whatsoever in ANDERSON with regard to storing in a working buffer the content of each cell that belongs to a source cell range (claim 1). The Examiner has acknowledged as much on page 5 of the Final Office Action.

ANDERSON is also entirely silent with regard to clearing the content of each cell that belongs to said source cell range (claim 1). Indeed, ANDERSON specifically teaches away from this feature by showing in Fig. 4J that the source cell B1 remains un-cleared after the formula containing the absolute reference is copied to the destination cell B6. The Examiner has failed to identify any disclosure in ANDERSON with regard to either of these features.

It is also apparent from a fair reading of the above-noted language that ANDERSON fails to disclose or suggest either the means for storing in a working buffer the content of each cell that belongs to said source cell range or the means for clearing the content of each cell that belongs to said source cell range to cut (claim 2). Again, the

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Examiner has acknowledged as much on page 5 of the Final Office Action. Additionally, as explained above, ANDERSON is entirely silent with regard to a means for clearing the content of each cell that belongs to said source cell range (claim 2). To the contrary, ANDERSON specifically teaches away from this feature by showing in Fig. 4J that the source cell B1 remains un-cleared after the formula containing the absolute reference is copied to the destination cell B6. The Examiner has failed to identify any disclosure in ANDERSON with regard to either of these features.

Finally, it is clear from a fair reading of the above-noted language that ANDERSON fails to disclose or suggest, for example, performing a test, while parsing, if any absolute reference is found within the content of the memory working buffer. Again, the Examiner has acknowledged on page 5 of the Final Office Action that ANDERSON lacks a working buffer. Moreover, it is clear from a fair reading of the above-noted language that ANDERSON does not provide for any parsing as it relates to the disclosed model copy method. It is also clear that ANDERSON is entirely silent with regard to, if any absolute reference is found, then performing a test on the absolute reference found to determine if the absolute reference points to a cell which is part of a cell range which has been cut or copied to the memory clipboard and if yes, updating the content of the memory working buffer to change the absolute reference identified so that it points within a pasted range to a cell whose relative position within the pasted range matches the

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relative position of the original absolute reference within the source cell range (claim 4).

Again, this language specifically recites a working buffer and the Examiner has acknowledged on page 5 of the Final Office Action that ANDERSON lacks a working buffer.

Thus, Applicant submits that the above-noted claims are not disclosed or suggested by any proper reading or modification of ANDERSON.

Applicant directs the Examiner's attention to the guidelines identified in M.P.E.P section 2141 which state that

"[i]n determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification."

In re Linter, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates,

"[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)."

Moreover, it has been legally established that

"[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)

Although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.' 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references)."

Additionally, it has been held that

"[a] statement that modifications of the prior art to meet the claimed invention would have been well within the ordinary skill of the art at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)."

Additionally, Applicant submits that there is no motivation to modify

ANDERSON in a manner which would render obvious Applicant's invention. Nor has the Examiner identified any such motivation for, e.g., modifying ANDERSON to include the working buffer. Additionally, Applicant submits that there is no motivation or rationale disclosed or suggested in the prior art to modify ANDERSON in the manner suggested by the Examiner. The Examiner's opinion does not provide a proper basis for these features or for the motivation to modify ANDERSON in the manner suggested by the Examiner. This is based, in part, on the fact that all of the features of the claimed invention are clearly lacking in the applied prior art. Therefore, Applicant submits that the invention as recited in at least independent claims 1, 2 and 4 is not rendered obvious by any reasonable inspection and interpretation of the disclosure of the applied reference.

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Furthermore, Applicant submits that dependent claim 3 is allowable at least for the reason that this claim depends from an allowable base claim and because this claim recites additional features that further define the present invention. In particular, Applicant submits that no proper modification of ANDERSON discloses or even suggests, in combination the features recited in claim 2 in combination with the features recited in claim 1.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out. Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. Accordingly, reconsideration of the outstanding Office Action and allowance of the

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present application and all the claims therein are respectfully requested and now believed to be appropriate.

Authorization is hereby given to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 09-0457.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read 'A. Calderon', is written over a horizontal dashed line.

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